



# County of Santa Cruz

## OFFICE OF THE AGRICULTURAL COMMISSIONER

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SEALER OF WEIGHTS AND MEASURES  
DIRECTOR, MOSQUITO AND VECTOR CONTROL

## **SANTA CRUZ COUNTY PESTICIDE USE ENFORCEMENT WORK PLAN FY 2007/2008**

### **COUNTY RESOURCES:**

#### **PERSONNEL**

04/05

- 4.5 full time Agricultural / Weights&Measures Inspectors @ 75% (3.4 Inspectors)
- 1 full time Agricultural Aide @ 20% during winter
- 1 full time Departmental Administrative Analyst - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 50%

05/06

- 4 full time Agricultural / Weights&Measures Inspectors @ 50% (2 Inspectors)  
(80% in winter, 40% in summer)
- 1 full time Departmental Administrative Analyst - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 30%

06/07

- 4 full time Agricultural / Weights&Measures Inspectors @ 100% (4 Inspectors)
- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 30%

07/08

- 4 full time Agricultural / Weights&Measures Inspectors @ 100% (4 Inspectors)
- 1 full time Deputy Agricultural Commissioner - PUE Supervisor @ 50%
- 1 full time Agricultural Commissioner - PUE issues @ 30%

# **A) RESTRICTED MATERIAL PERMITTING:**

## **1) PERMIT EVALUATION:**

- Approximately 350 restricted materials permits are issued annually.
- Restricted Material Permits are issued for periods of one to three years to the property operators.
- All permitted sites are evaluated prior to the issuance of the permit utilizing geographic information systems (GIS) and local knowledge.
- Each site is identified in GIS down to the field level. Various other layers identify sensitive areas such as schools, parks, properties, waterways, endangered species habitat, school bus stops, public bus stops, and complaints.
- Inspectors ensure that permit applicants are qualified, usually through Private Applicator Certification, and that they understand the hazards of each material they propose to use.
- Inspectors evaluate the permit applications by reviewing integrated pest management (IPM) methods that the applicant has tried, the environmental hazards, and the applicants knowledge of the materials and hazards. A database program assists with this by supplying specific information on pest, environmental hazards, hazard reduction, alternative pesticides that were used and IPM methods that are available for each specific restricted material.
- Before issuing a permit, the inspector reviews the applicant's file for compliance history, and use reports to evaluate past pesticide use. A binder of relevant information is available to assist the inspector in evaluating the information.
- Permits are issued individually and usually require appointments of one or two hours.
- A Notice of Intent (NOI) to use a restricted pesticide is required and each proposed application is again evaluated.
- Inspectors meet regularly during permit issuance season in order to share information and increase uniformity.
- Continuing education was given on the upcoming respirator regulation changes and approximately 80 growers attended.
- The information that is provided to operators regarding permit denials and the operator's appeal rights was improved.

## **GOALS:**

- The database used for issuing permits will be continually updated with information as it becomes available.
- The computer system and GIS system will be continually improved and information added to the GIS layers.

## **IMPLEMENTATION:**

- The permit issuance binders used by each inspector are continually updated and improved by incorporating regulation changes and other information.
- The database used for issuing permits is updated on a regular basis by

adding information as it becomes available from operators, industry, DPR and other sources. Information is collected from all the inspectors and is given to one inspector who has been assigned the job of updating the database. IPM information is also collected from sources such as UC publications and DPR information, and this is incorporated.

- The handouts given to operators will be revised to make them more useful.
- The permit denial form has been changed to give operators more information on their appeal rights.
- The computerized Restricted Materials Permit Program has been updated to include information on IPM usage.
- Pesticide Use Enforcement (PUE) meetings will continue to be held bi-weekly with the PUE staff to share information and ensure uniformity.
- A letter was sent to all operators who are likely to use dormant oil explaining the new changes in regulations.
- Handouts were given to all affected operators on protecting the red-legged frog.
- All PUE inspectors attended the DPR training on permit issuance and adopted the procedures outlined in the Enforcement Program Standards Compendium, Volume 3, when issuing permits.

## **2) SITE EVALUATION:**

- Notices of Intent are received by fax or in person.
- There are approximately **1600** applications of restricted materials intended each year.
- **All** intents are reviewed by an inspector for accuracy, compliance with the permit, possible label violations, and environmental hazards. Denials are documented and tracked.
- Preapplication inspections are done on over 250 of these intents, or approximately **20%**, which exceeds DPR's recommendation of **5%**. The high number is because preapplication inspections are done on nearly 100% of the applications of methyl bromide and other fumigants, which are considered a priority activity.
- The need for a preapplication inspection is based on the surrounding environment, distances to sensitive areas, complaints, application method, pesticide hazard, applicator, and commodity.
- The inspectors attempt to get a cross section of the type of applications based on crop, grower, and material when choosing applications to inspect.
- The staff evaluates their site monitoring activities for strengths, weaknesses, and areas for improvement. They meet regularly to share information on crops and hazards.

### **GOALS:**

- Continue to maintain this high level of quality on site evaluation work, especially in regards to fumigants.
- Adapt to changes in regulations for evaluating sites.

### **IMPLEMENTATION:**

- Continue to adopt changes in handling fumigant worksite plans and NOIs in order to accommodate changes in regulations.
- Evaluate ideas on improving efficiency in order to handle increases in workload.
- Address issues of endangered species and waterway contamination with site evaluations.
- Target applications where changes have occurred on labeling or in regulation to verify that changes have been adopted.

## B) COMPLIANCE MONITORING

### 1) INSPECTIONS:

The number of inspections done were approximately as follows:

	04/05	05/06	06/07
Application:	140	121	105
Mix/Load:	80	57	41
Records:	40	43	27
Structural:	15	10	1
Field worker:		22	34

- All inspectors are trained and certified.
- Inspectors confer with each other and with the PUE supervisor to maintain consistency.
- Regular PUE meetings are held to improve communication and consistency.
- Inspectors are each assigned a particular crop and are responsible for keeping current with ongoing activities in these areas and keep the other inspectors informed on activities related to the crop. Inspectors conduct inspections on all crops.
- Each inspector is assigned a particular day of the week to do field activities. This provides consistent field coverage and enforcement presence. Inspectors also conduct field activities on days when they are not assigned.
- Inspections are tracked in order to provide variation in the operators inspected, the crops inspected, and to target operators who have a history of noncompliances.
- All inspections are reviewed by a second inspector for accuracy.
- Inspectors perform surveillance activities during the growing season in order to do application, mix/load, and field worker inspections without appointments.
- Before leaving the office to do surveillance for application inspections, inspectors use the Notices of Intent to determine where applications of restricted materials might be taking place.
- Priority is given to applications near sensitive sites, applications of restricted or high toxicity pesticides, or applications performed by operators who have a history of noncompliances.
- Records inspections are mostly done during the winter, and are done by appointment. Priority is given to operators who have employees handling pesticides, operators who have field workers, and operators who have not had an inspection in two years. A special effort is made to inspect operators who have had inspections with noncompliances in the previous two years.

### GOALS:

- Conduct follow-up inspections when noncompliances are found.
- Coordinate application inspections and record inspections to improve coverage

and address noncompliances.

**IMPLEMENTATION:**

- Inspections are evaluated on an ongoing basis, and appropriate improvements implemented.
- Inspection types are scheduled throughout the year to allow the best use of time.
- Follow-up inspections are documented in a method that will improve tracking.

## **2) INVESTIGATIONS:**

- Reports of possible pesticide illnesses are usually received in our office either from the Worker Health and Safety Branch or from local health facilities. The County Agricultural Commissioner has an agreement with the County Health Officer for the receipt of Pesticide Illness Reports directly from health facilities which speeds up reporting and improves the accuracy and effectiveness of the response.
- All inspectors are fully licensed to conduct investigations.
- Inspectors conduct investigations according to the current version of DPR's Episode Investigation Procedures Manual.
- In recent years, the County has received fewer than 5 reports of suspected pesticide illnesses each year. Most of these were incidents involving disinfectants. Priority investigations have been rare.
- Complaints and inquiries are received frequently. They are usually received by phone and are documented in a binder when received. An investigation is done and a report is written and placed in the binder. The reports are less formal than those done for an illness investigation, and the amount of time spent investigating depends on the situation and the facts involved.
- Written reports to WHS are submitted in a timely manner.

### **GOALS:**

- Maintain the quality and effectiveness of investigations.

### **IMPLEMENTATION:**

- Schedule yearly review training on investigation techniques and report writing for staff.

## **C) ENFORCEMENT RESPONSE EVALUATION**

- The enforcement program is evaluated on a continual basis to assure that it is fair, consistent, and timely.
- Inspections are performed by inspectors who are trained and certified.
- Inspectors communicate with other staff members, which helps maintain consistency. Inspectors discuss their work with each other and with the PUE supervisor. PUE meetings are held on a regular basis. The PUE supervisor is available to answer questions, interpret regulations, and make policy decisions. Policy decisions are made in writing and distributed to all PUE Inspectors.
- Inspectors document all violations. This assures that all violations are responded to, at least with a compliance action.
- All inspections with violations are reviewed by the PUE supervisor for accuracy.
- All inspections with violations are evaluated by the inspector for possible enforcement action using the Enforcement Response regulation. The inspectors determine the class of the violation, review the operator's history to determine if there have been previous violations, and if so, in what class. Inspectors determine the appropriate compliance or enforcement action according to the Pesticide Enforcement Response regulation and document their findings on a Decision Report which is then attached to the inspection. Therefore, all inspections with violations have a written record attached that documents the class, the history and the enforcement decision whether or not an enforcement action is taken.
- The Decision Reports are then reviewed by the PUE supervisor and approved or rejected.
- If the decision is to recommend an enforcement action, a Notice of Proposed Action (NOPA) is prepared. The NOPAs are generated in a standard format using a computer program, which ensures efficiency and consistency. The format suggested by DPR is followed. NOPAs are produced by the inspector and put together with the evidence in a case file.
- If a decision is for a documented compliance action, the Decision Report is reviewed by the Commissioner, and a copy is then sent to DPR within 30 days.
- The Inspector and/or PUE supervisor may also hold a compliance interview with the operator if it will help clarify or correct the situation.
- An enforcement response is chosen that will most likely result in sustained compliance, with the most efficient use of resources. Special emphasis is placed on repeat violators. All appropriate enforcement options are considered before taking action, including consultation with the District Attorney when appropriate and providing a timely opportunity for participation in the investigation and enforcement action.

### **GOALS:**

- Follow the requirements of the new Enforcement Response regulation.

### **IMPLEMENTATION:**



- All the inspectors working in PUE attended the Enforcement Response regulation training given by DPR.
- The format for the NOPAs was updated to incorporate the recommended changes.
- Guidance from DPR concerning Decision Reports will be incorporated in the decision making process.
- The County has had additional staff trained as hearing officers and will have staff trained as advocates if training is available.
- Improve the documentation and tracking of inspections, noncompliances, followups and decision reports.